

**Remarks/Arguments:**

Claims 1, 3-6, 9-21 remain pending in the application.

Claims 1, 6, 9, and 11-15 are hereby amended.

1. Claims 1, 3-6 and 9-21 were rejected under 35 USC 112, first paragraph. The examiner contends the claims contain subject matter not described in the specification. Applicant has amended the claims to delete the references to “radiative heat” and to instead provide that a heat source is external to the pan/shell/system, as is disclosed variously throughout the specification. The term “tine rib” in the claims has been replaced with the terms “tine fixture”, support for which is provided in the specification for example at p. 8, lines 10, *et seq.* and otherwise. The term “attacher” has been deleted, as the specification does not use that term but nevertheless discloses applicable connection such as in p. 5, lines 8-9 of the specification. The references to the strip being movable have been more clearly described to state that the top is permitted to move “lateral, vertical and rotational” via manipulating the forked implement engaged with the tine fixture, as supported for example at p. 6, lines 1-28 and p. 8, lines 3-15 of the specification.

2. Claims 11-13 were rejected under 35 USC 112, second paragraph. The examiner contends that the claims were indefinite because of the recitation regarding “tine are ‘between the forks’”. The claims have been amended to provide that the “tine fixture” is between the forks, as described at p. 8, lines 10, *et seq.* and otherwise in the specification. The tine fixture is identified in the Figures, as well.

3. Claims 14-17 and 20-21 were rejected under 35 USC 102(b) as anticipated by Dzbinski. Applicant's amended independent claim 14 expressly states that the food is enclosed in the shell against the shell. Dzbinski regards a trough system for food that is heated by underlying fluid in a pan. The food is not in the fluid or against the shell. Dzbinski states at col. 6, lines 43-50 that a central opening of the trough permits utensils to extend to reach the bottom of the pan in order for stir-fried or sautéed food in the bottom of the pan; however, the disclosure does not teach or suggest "enclosing the food in a shell with the food against the shell" as per Applicant's amended claim. In fact, Dzbinski teaches away from this, as Dzbinski can not enclose the food in the bottom of the pan as the intent is providing access to the bottom of the pan by utensils and ingredients through the central opening of the trough. Dzbinski does not provide for any enclosure for convective heating other than as to food in the trough which is not against the pan/shell during such heating.

4. Claims 1, 3-4, 6, 9-10 and 18-19 were rejected under 35 USC 103(a) over Dzbinski. Applicant's claims, as amended, specifically describe a shell/enclosure of "metal" of new and non-obvious thicknesses. Dzbinski does not disclose any thickness, and prior office actions and Applicant's responses particularly pointed out that standards for the thicknesses are outside the ranges listed in Applicant's claims. The thicknesses of Applicant's shell/enclosure provide for the desired cooking effects and capabilities that distinguish Applicant's claimed inventions. Applicant acknowledges the decisions that regard size variation; however, the thicknesses recited in Applicant's claims are new and non-obvious in view of all of the cited references and applicable standards, which show

greater thickness because of the intended uses and cooking methods of the prior devices.

Thickness is a novel and non-obvious facet of Applicant's claimed inventions, because it is the thickness and shell/enclosure configuration that afford advantages of cooking food accordingly.

Moreover, Applicant's claims are distinguished from Dzbinski as to the placement of food and convective heating effects that are achieved by Applicant. As mentioned above in 3, Dzbinski teaches away from these distinguishing facets.

5. Claim 5 was rejected under 35 USC 103(a) over Dzbinski in view of Anderson.

Anderson is cited for detent and notch. Notwithstanding that Dzbinski is inapplicable as to the points alleged by the examiner, Anderson is non-analogous as the detent and notch are intended to form pressure sealing of top and bottom for pressure cooking. Applicant's amendments point out that the engagement of top and bottom, via the detent and notch, does not result in significant pressure inside the system in convective heating.

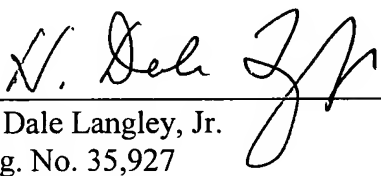
The examiner responded in the office action by withdrawing the earlier rejection based on Leck, but nevertheless alleging that Leck (col. 11, line 35) teaches thickness of 1.5-3.2mm in aluminum pans. As provided in earlier correspondence, Leck regards merely a frying pan, which is distinguished by Applicant's convective heating via shell/enclosure of new and non-obvious thickness ranges and shapes/forms.

Reconsideration and withdrawal of the rejections, and prompt allowance, is respectfully requested.

If the Examiner has any questions or comments, the undersigned attorney for Applicant respectfully requests a call to discuss any issues. The Office is authorized to charge any excess fees or to credit any overage to the undersigned's Deposit Account No. 50-1350.

Respectfully submitted,

Date: October 2, 2006

By:   
H. Dale Langley, Jr.  
Reg. No. 35,927

The Law Firm of H. Dale Langley, Jr.  
610 West Lynn  
Austin, Texas 78703  
Telephone: (512) 477-3830  
Facsimile: (512) 477-4080  
E-Mail: [dlangley@iptechlaw.com](mailto:dlangley@iptechlaw.com)